

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Adopted Rules

SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 45 Ill Reg 6906) effective 11/10/21, implementing 3 Public Acts. In accordance with PA 101-180, the rulemaking requires that public high school students (if over 18) or their parents/guardians (if the student is a minor) be given an opportunity to file a Free Application for Federal Student Aid (FAFSA) or a State financial aid application before the student receives a high school diploma. Students or parents/guardians who opt not to file a FAFSA or State aid application must sign a waiver stating that they understand the purpose of the FAFSA/State aid application but have chosen not to file one. The rulemaking also implements PA 101-227, which

COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

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requires that the roles and contributions of lesbian, gay, bisexual and transgender (LGBT) people be included in public school instruction regarding U.S. and Illinois history. Finally, the rulemaking implements PA 101-341, which requires that Illinois history be included in U.S. history instruction.

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Proposed Rulemakings

SENTENCE CREDIT

The DEPARTMENT OF CORRECTIONS proposed amendments to the Part titled Records of Offenders (20 IAC 107; 45 Ill Reg 14753) concerning earned program sentence credit for individuals in DOC custody who complete certain approved programs. The rulemaking adds self-improvement programs, approved volunteer activities, work assignments and work release programming to the list of programs for which individuals in custody (currently, "offenders") may receive earned program sentence credit at the discretion of DOC. The maximum credit is 365 days for persons serving sentences of 5 years or more and 180 days for persons serving sentences of less than 5 years (currently, 180 days regardless of sentence length). Persons enrolled

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Adopted Rules

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TEACHER ENDORSEMENTS

SBE adopted amendments to Standards for Endorsements in Elementary Education (23 IAC 20; 45 Ill Reg 6938), Standards for Endorsements in Early Childhood Education and in Elementary Education (23 IAC 26; 45 Ill Reg 6943), and Standards for Endorsements in Special Education (23 IAC 28; 45 Ill Reg 6979), all effective 11/10/21, aligning SBE's standards with national accrediting organization standards for each endorsement and removing obsolete standards. Teacher preparation programs for each type of endorsement must align with the updated standards by 10/1/25.

SPECIAL EDUCATION

SBE also adopted amendments to Special Education Facilities under Section 14-7.02 of the School Code (23 Ill. Adm. Code 401; 45 Ill Reg 7103) and Payments to Certain Facilities Under Section 14-7.05 of the School Code (23 IAC 405; 45 Ill Reg 7111) effective 11/10/21. These rulemakings concern private special education or residential facilities in which special needs students may be enrolled at their home public school district's expense (for which SBE normally will reimburse the district) if their home district is unable to provide them an appropriate education. Under Part 401, SBE evaluates these facilities periodically for compliance with SBE standards and assigns each a status of Approved, Approved

With Administrative Review, Pending Further Review, or Nonapproved. A facility that is Pending Further Review normally must correct its instances of noncompliance within 40 business days or be relegated to Nonapproved status. The Part 401 rulemaking (which replaces an emergency rule that expired 7/30/21) allows a facility that is on Pending Further Review status to remain in that status if the State Superintendent determines that it is demonstrating progress toward correcting instances of noncompliance that may substantially affect the safety of, or provision of appropriate education to, students, and that any continued instances of noncompliance do not constitute an imminent danger to students. The Part 405 amendments allow residential facilities to directly report quarterly attendance to a student's home district instead of reporting to the State Superintendent, who then sends the report to the home district. These amendments also clarify that districts will not be billed for services rendered before the provider receives satisfactory proof of services.

Questions/requests for copies of the 6 SBE rulemakings: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@isbe.net.

DRIVER'S LICENSES

The SECRETARY OF STATE adopted an amendment to Issuance of Licenses (92 IAC 1030; 45 Ill Reg 8636) effective 11/9/21, replacing an emergency

amendment that was effective 7/2/21. The rulemaking extends the expiration dates of all driver's licenses, instructional permits and State ID cards that have expired or will expire during calendar years 2020 and 2021 to 12/31/21.

SOS HEARINGS

SOS also adopted amendments to Procedures and Standards (92 IAC 1001; 44 Ill Reg 17902) effective 11/12/21, clarifying the process for various types of administrative hearings for persons seeking reinstatement of driving privileges. The rulemaking provides that persons who are subject to lifetime restricted driving permits due to multiple DUI convictions and who now live outside of Illinois cannot take advantage of the streamlined out of State hearing process (formal hearings are required in these cases). However, SOS has clarified (in a change since 1st Notice) that treatment and education for out of state petitioners may be provided by out of state service providers if these programs comply with Illinois requirements. Formal hearings are also required for petitioners with 2 or more DUI dispositions and those with Breath Alcohol Ignition Interlock Device (BAIID) violations on their driving record. Petitioners seeking reinstatement of driving privileges have 18 months (currently, 365 days) to complete any requirements for reinstatement (e.g., substance abuse treatment). Other provisions clarify aspects of

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Proposed Rulemakings

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full time in work release, substance abuse programs, Correctional Industries assignments, academic or vocational education programs, behavior modification programs, life skills courses, or re-entry planning on or after 1/1/18 will earn one day of credit (currently, ½ day) for each program day completed. Persons enrolled in full-time self-improvement programs, volunteer activities, or work assignments provided or approved by DOC on or after 7/1/21 earn ½ day credit for each program day completed if they meet specified eligibility requirements. The rulemaking also sets criteria for counting programs as full time; grants 120 days credit for completion of an associate degree; and grants 180 days credit for completion of higher education beyond an associate degree.

Questions/requests for copies/ comments through 1/12/22: Kess Roberson, DOC, 1301 Concordia Court, P. O. Box 19277, Springfield, IL 627949277, (217) 558-2200, ext. 6506, Kess.Roberson@illinois.gov.

■ PROCUREMENT

The OFFICE OF THE ATTORNEY GENERAL proposed amendments to the Part titled Attorney General's Procurement (44 IAC 1300; 45 Ill Reg 14744) implementing Public Act 101-657, which updates aspirational

■ SOCIAL WORKERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted emergency amendments to the Part titled Clinical Social Work and Social Work Practice Act (68 IAC 1470; 45 Ill Reg 15104) effective 11/9/21 for a maximum of 150 days. The emergency rule allows licensed social workers and licensed clinical social workers to complete all continuing education requirements for license renewal online (formerly, at least 50% of CE was required to be in-person).

Questions/requests for copies: Craig Cellini, DFPR, 320 West Washington, 2nd Floor, Springfield IL 62786, 217/785-0813, Fax: 217/557-4451

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted an emergency amendment to Hospital Licensing Requirements (77 IAC 250; 45 Ill Reg 15115) effective 11/12/21 through 12/31/21. This emergency rule (which replaces an emergency rule that expired 11/11/21) implements Public Act 102-4, effective 4/27/21 through 12/31/21, which requires hospitals to provide N95 masks to all physicians, nurses, and other employees or contract personnel who provide direct patient care in accordance with local, State, and federal policies, guidance and

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recommendations for public health and infection control.

■ COVID-19 TESTING

DPH also adopted emergency amendments to emergency rule on the Part titled Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 45 Ill Reg 15127), effective 11/9/21, modifying an emergency rule that was effective 8/19/21 for the remainder of its 150-day term. These emergency amendments further update incorporations by reference of federal guidance documents regarding COVID-19 infection control in long term care facilities. They also clarify that when a resident or staff member tests positive for COVID-19, testing of other residents and staff may be either unit-based (only residents and staff in the affected unit) or broad based (all residents and staff), and must begin no earlier than 2 days after the exposure. Testing must continue every 3 to 7 days until no positive tests occur for at least 14 days. Facilities that are not required to report testing data to the National Healthcare Safety Network must report testing data to DPH weekly using an online form.

Questions/requests for copies of the 2 DPH emergency rules: Tracey Trigillo, DPH, 524 S. 2nd St., 6th Fl., Springfield IL 62701, 217/782-1159, dph.rules@illinois.gov

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Adopted Rules

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the BAIID Multiple Offender permit and the effects of BAIID violations on restricted driving permits and update provisions for persons who have been prescribed opiates or authorized to use medical cannabis. Changes since 1st Notice clarify that petitioners may request a Restricted Driving Permit for any “lawful” (originally, “legitimate”) purpose; that completed applications will be assigned to a hearing officer within 10 days after being received; increased the timeframe for completing RDP requirements from 90 to 120 days; remove a provision allowing SOS to collect fees for informal administrative hearings; and clarify other aspects of the process.

Questions/requests for copies of the 2 SOS rulemakings: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, pwright@ilsos.gov.

PUBLIC INFORMATION

The OFFICE OF THE STATE TREASURER adopted amendments to Public Information, Rulemaking and Organization (2 IAC 650; 45 Ill Reg 9397) effective 11/10/21, updating its office addresses, contact information, and the list of Illinois Administrative Code rules promulgated by the Treasurer.

Questions/requests for copies: Laura J. Duque, Office of the State Treasurer, 100 W. Randolph St.,

Ste. 15-600, Chicago IL 60601, 217/720-0991, LDuque@illinois-treasurer.gov

OST REPEALER

The OFFICE OF THE TREASURER also repealed the Part titled Home Ownership Made Easy Act (74 IAC 750; 45 Ill Reg 10701) effective 11/10/21 because the underlying statute (Home Ownership Made Easy Act of 1989) has been repealed by PA 100-621.

Questions/requests for copies: Sara Meek, Office of the State Treasurer, 219 State House, Springfield IL 62706, 217/524-0530, fax: 217/785-2777, email: SMeek@illinoistreasurer.gov

Proposed Rulemakings

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diversity goals for contract awards for goods and services. The rulemaking sets an aspirational (not binding) goal that 30% (currently, 20%) of the total dollar value of OAG contracts will be awarded to businesses owned by women, minorities or persons with disabilities. Of that percentage, 16% (currently 11%) shall be

targeted for minority-owned businesses, 10% (currently 7%) for women-owned businesses, and 4% (currently 2%) for businesses owned by persons with disabilities or non-profit agencies serving persons with disabilities. These goals do not apply to contracts for services related to investigations or litigation. Small businesses owned by minorities, women or

persons with disabilities may be affected.

Questions/requests for copies/ comments through 1/12/22: Melissa Mahoney, OAG, 100 W. Randolph St., 12th Fl., Chicago IL 60601, 312/814-3950 or Lynn Patton, OAG, 500 S. Second St., Springfield IL 62701, 217/524-1504.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will appear in next week's *Illinois Register* and will be considered at the December 14, 2021, meeting to be held in Chicago. Other items not published in the *Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF CENTRAL MANAGEMENT SERVICES

Acquisition, Management, and Disposal of Real Property (44 IAC 5000; 45 Ill Reg 11449)
proposed 9/17/21

DEPT OF TRANSPORTATION

Roadside Memorials (92 IAC 549; 45 Ill Reg 11808) proposed 10/1/21

Joint Committee on Administrative Rules

Senator Bill Cunningham, <i>co-chair</i>	Representative Tom Demmer
Senator John F. Curran	Representative Michael Halpin
Senator Donald DeWitte	Representative Frances Ann Hurley
Senator Kimberly Lightford	Representative Steven Reick
Senator Tony Muñoz	Representative Curtis Tarver, II
Senator Sue Rezin	Representative Keith Wheeler, <i>co-chair</i>

Kim Schultz
Executive Director